

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE BANK OF AMERICA CORP.
SECURITIES, DERIVATIVE AND
EMPLOYEE RETIREMENT INCOME
SECURITY ACT (ERISA) LITIGATION

Master File
No. 09 MDL 2058 (PKC)

Related File No.
11 Civ. 7779 (PKC)

This document relates to:

Schwab S&P 500 Index Fund, et al. v. Bank of
America Corp., et al., No. 11 Civ. 7779

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STIPULATION AND PROPOSED ORDER OF DISMISSAL WITH PREJUDICE

The undersigned parties hereby stipulate and agree that all claims asserted by Schwab S&P 500 Index Fund, Schwab 1000 Fund, Schwab Institutional Select S&P 500 Fund, Schwab Dividend Equity Fund, Schwab Core Equity Fund, Schwab Premier Equity Fund, Schwab Fundamental US Large Company Index Fund, Schwab Total Stock Market Index Fund, Schwab Financial Services Fund, Schwab S&P 500 Index Portfolio, Schwab MarketTrack Growth Portfolio, Schwab MarketTrack Balanced Portfolio, Schwab Investments, and/or Schwab Capital Trust, against Bank of America Corporation, Merrill Lynch & Co., Inc., Kenneth D. Lewis, Joe L. Price, Neil A. Cotty, and/or John A. Thain are dismissed in their entirety with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1), and without costs.

Dated: New York, New York
December 4, 2013

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Company Index Fund, Schwab Total Stock
Market Index Fund, Schwab Financial
Services Fund, Schwab S&P 500 Index
Portfolio, Schwab MarketTrack Growth
Portfolio, Schwab MarketTrack Balanced
Portfolio, Schwab Investments, and
Schwab Capital Trust*

CHARLES SCHWAB & CO., INC.

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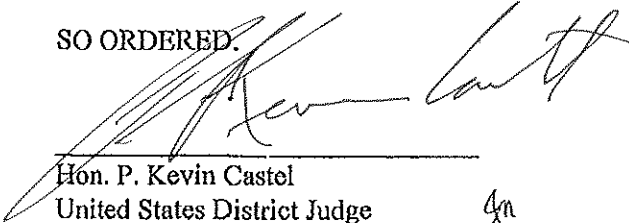

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Company Index Fund, Schwab Total Stock
Market Index Fund, Schwab Financial
Services Fund, Schwab S&P 500 Index
Portfolio, Schwab MarketTrack Growth
Portfolio, Schwab MarketTrack Balanced
Portfolio, Schwab Investments, and
Schwab Capital Trust*

12-5-13
Dated

SO ORDERED.


Hon. P. Kevin Castel
United States District Judge

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